

## **Exhibit 10**

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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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USA BASEBALL, THE NATIONAL HIGH  
SCHOOL BASEBALL COACHES ASSOCIATION,  
DR. PETER BERG, JUAN HERNANDEZ, DENNIS  
CANALE, MEL ZITTER, MICHAEL CRUZ, TITO  
NAVARRO, JOHN TORRES, EASTON SPORTS,  
INC., WILSON SPORTING GOODS CO.,  
RAWLINGS SPORTING GOODS COMPANY, and  
HILLERICH & BRADSBY CO.

Plaintiffs,

- against -

Civil Action No. 07-CV-3605

CITY OF NEW YORK,

Defendant.

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**DECLARATION OF TITO NAVARRO**

I, Tito Navarro, depose and state as follows:

1. I am a resident of Bay Ridge, Brooklyn. My son, Bobby Navarro, is a sophomore left fielder at Telecommunications High School, a public high school in the city of New York. I have also coached baseball at various levels for over 28 years. If sworn as a witness, I am competent to testify to the facts contained herein.

2. I believe that the recently passed legislation banning the use of metal and nonwood composite bats in New York City high school play will have serious consequences for myself and my son.

3. My son has played baseball for at least 8 years, and the sport has been a very positive experience for us. In the past, I have purchased several metal bats for my son, who greatly prefers to use metal bats. Bobby has played with both metal and wood, but has experienced more success using metal bats because these bats are easier to use and contribute to his success.

4. Because of the legislation, I will now have to purchase several wood bats for my son to use, since these bats frequently break and will have to be replaced. I will also need to continue to purchase metal bats for use in summer league play, rather than cause my son to suffer a competitive disadvantage by having to use wood bats.

5. The cost of these bats is a significant expense to me, especially since I will have to purchase several wood bats throughout the year.


6. I am also very concerned about the effect that this will have on my son's chances to play baseball in college. Bobby is a skilled player, and hopes to use this skill as a way to pay for college. It is seriously unfair to place my son at a competitive disadvantage by forcing him to

use wood bats, which will cause him to have much less success than players who use metal bats. Metal bats are used almost exclusively at the college level.

7. Finally, based on my 28 years of baseball coaching experience, I strongly disagree that metal and nonwood composite bats present any safety risk. In 28 years of coaching, I have seen many injuries due to players diving for balls in the field or sliding into bases on the basepaths. But I have never witnessed a single injury due to the speed of a ball off a metal bat. I care deeply about the safety of my son and the other players on his team, and would never willingly expose my son to an unreasonable risk of injury if I believed that metal bats were unsafe.

I declare under penalty of perjury that the foregoing is true and correct.

This 25 day of May, 2007.

  
Tito Navarro